

**OMNIBUS MOTION BY BRIAN VODICKA TO UNSEAL  
DOCKETS AND RECORDS OF JUDICIAL PROCEEDINGS  
IN CERTAIN MATTERS INVOLVING FELIX SATER  
AND/OR UNITED STATES ATTORNEY LORETTA LYNCH**

-----X	<b>EMERGENCY CONSIDERATION</b>
ROE V. UNITED STATES OF AMERICA,	<b>REQUESTED DUE TO</b>
U.S. Court of Appeals,	<b>CONFIRMATION HEARINGS</b>
Second Circuit Docket 10-2905.	<b>AND ANTICIPATED VOTE</b>
-----X	<b>IN THE U.S. SENATE</b>
IN RE APPLICATIONS TO UNSEAL,	<b>WITH RESPECT TO PRESIDENT</b>
U.S. Court of Appeals,	<b>OBAMA'S NOMINATION OF</b>
Second Circuit Docket 13-2373.	<b>LORETTA LYNCH TO BE THE</b>
-----X	<b>NEXT ATTORNEY GENERAL OF</b>
UNITED STATES v. GENNADY KLOTSMAN,	<b>THE UNITED STATES</b>
U.S. District Court, EDNY, Docket 02-cr-1313.	
-----X	
KRISS v. BAYROCK GROUP, et al.,	
U.S. District Court, SDNY, Docket 10-cv-3959.	
-----X	
KRISS v. BAYROCK GROUP, et al.	
U.S. District Court, SDNY, Docket 13-cv-3905.	
-----X	

COMES NOW, Brian Vodicka, for the reasons set forth in the accompanying declaration, and moves that the Court unseal all dockets and records in the above-captioned matters for the purpose of obtaining true and complete, unredacted copies of all documents from the Court files.

Respectfully submitted,

  
Brian Vodicka

**ORDER TO UNSEAL DOCKETS AND RECORDS**

On February \_\_\_\_, 2015, the Court considered this motion to unseal dockets and records in the above-captioned matters. After considering the motion and supporting declaration, the Court grants the motion and orders the Clerk of the Court to unseal all dockets and documents therein immediately.

Hon. \_\_\_\_\_

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**DECLARATION OF BRIAN VODICKA IN SUPPORT OF OMNIBUS MOTION  
TO UNSEAL DOCKETS AND DOCUMENTS THEREIN OF CERTAIN  
MATTERS INVOLVING FELIX SATER AND/OR LORETTA LYNCH**

I, Brian Vodicka, declare pursuant to 28 U.S.C. 1746, under penalty of perjury this 9th day of February 2015, as follows:

1. I am a citizen of the United States, such being sufficient to establish First Amendment standing, and hereby move for the unsealing of the dockets and all judicial documents in the captioned matters. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580 (1980); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) ("*Press-Enterprise I*"); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986) ("*Press-Enterprise II*"); *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93 (2d Cir. 2004)). This right applies to civil as well as criminal proceedings. See *Westmoreland v. Columbia Broad. Sys., Inc.*, 752 F.2d 16, 23 (2d Cir.1984); *Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4th Cir. 1988); *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1070 (3d Cir. 1984).

2. I am investigating the issue of judicial and prosecutorial misconduct with respect to the prosecution of Felix Sater by Loretta Lynch, and her office, and am particularly concerned about allegations, revealed in papers submitted to the U.S. Supreme Court, and made public by that Court, that the EDNY prosecutor's office knowingly allowed Mr. Sater to commit further financial frauds after he pled guilty to RICO fraud. This makes every complaint filed against Felix Sater, indeed every paper in every case involving Felix Sater, a matter of utmost public importance. I hereby demand the immediate unsealing of all documents involving Felix Sater, and all documents involving Ms. Lynch, as such bear upon her fitness to serve in high public office. That it is of paramount public concern is made clear, for example, by the January 4,

2015, publication of Jim McElhatton's article regarding these issues in the Washington Times.

"Loretta Lynch questioned over secret deal depriving fraud victims of \$40M." See

[http://www.washingtontimes.com/news/2015/jan/4/loretta-lynchs-office-cheated-stock-fraud-victims-/](http://www.washingtontimes.com/news/2015/jan/4/loretta-lynchs-office-cheated-stock-fraud-victims/)

3. Upon information and belief, all of the captioned matters involve Felix Sater and/or Loretta Lynch. I know I was defrauded by Felix Sater's company Bayrock Group, LLC. I believe that Ms. Lynch's hiding of his criminal docket allowed Mr. Sater, through Bayrock, to perpetrate fraud against me and others. I know one of the largest giant global hedge funds was defrauded in the same fake "land development" pitched as Sky Station, part of the 200 acres in the Wildhorse Ranch, Austin, Texas. I have seen falsified written materials of the same fake development with the "Bayrock" name on it, which was also promoted by Sky Development Group and its alter-ego Sky Group of Texas. Sky Development Group is detailed in the FBI web site of Most Wanted criminal fugitives Victor & Natalia Wolf. The FBI has admitted on national television that these names were fake aliases, meaning the entire time period Victor & Natalia Wolf operated Sky Development in Sunny Isles Beach, Florida, they were in the country illegally and evaded the entire U.S. Homeland Security, remaining undetected. When Florida law enforcement began closing in, they skipped the country. Curiously, the FBI Wanted Posters delete the Wolfs' ties to New Jersey, and the Eastern District of New York failed to pick up the "ties to New York" mentioned on the FBI national office web site of Most Wanted fugitives. Sky Development, and all of the operators of Sky, including one or more employees of Bayrock, executed the largest land fraud in U.S. history in the 21<sup>st</sup> Century, and it has made a farce of the entire judicial system in the United States.

4. These matters are of manifest public importance, and this motion requires immediate consideration, because Loretta Lynch has been nominated by President Barack Obama to be the next Attorney General of the United States, confirmation hearings have been held, and it is expected that votes will take place later this month.

5. Upon information and belief, Felix Sater was prosecuted *in secret* (and thus unconstitutionally) by Loretta Lynch, in her capacity as United States Attorney for the Eastern District of New York. That is, from 1998 through 2013, Felix Sater was prosecuted under a “John Doe” alias by the U.S. Attorney’s Office for the EDNY. During some of that time, Ms. Lynch was the Acting U.S. Attorney for the EDNY, and for much of the time Ms. Lynch was the confirmed U.S. Attorney for the EDNY.

6. Upon information and belief, though the prosecution began in 1998, it was not until fifteen years later, in 2013, that the public learned that “John Doe” was Felix Sater. And during those fifteen years, Ms. Lynch’s office deliberately hid from the public, and Sater’s victims, that he had pled guilty in 1998 to defrauding investors out of \$40 million. And during all that time, Ms. Lynch’s office knew, as it had to know, that Felix Sater was engaging in hundreds of millions of dollars of further frauds. Gennady Klotsman was part of the original White Rock fraud, but though public records contained in the docket of co-conspirator Salvatore Lauria reveal that Klotsman was sentenced to jail for over seventy months and was ordered to pay restitution, there’s nothing docketed in Klotsman’s own case to indicate the reasons why he was sent to jail, or to whom he is paying restitution.

7. I hereby move to unseal all of the captioned matters, so that the public, and the Senate, may learn how Ms. Lynch’s office (and Ms. Lynch herself, by imputation) hid Felix

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Sater's prosecution and conviction from the public, the financial havoc he thereby wreaked, and how Ms. Lynch (by imputation) violated federal law, and the Constitutional rights of the public as well as the Constitutional rights of Sater's alleged co-conspirators.

8. This same motion is being submitted to the United States Court of Appeals for the Second Circuit, and the United States District Court for the Eastern District and the Southern District of New York, because there are sealed documents in each of the courts involving Felix Sater and Loretta Lynch.

9. Notwithstanding clear precedent, Ms. Lynch (again, by imputation) has apparently taken the position that despite the First Amendment, Felix Sater's plea of guilty to stealing \$40 million could be hidden from me and 330,000,000 other Americans, that Felix Sater could be allowed to keep the money he stole, notwithstanding that the Mandatory Victims Restitution Act made restitution "mandatory."

10. The public must get to the bottom of this before Ms. Lynch's confirmation hearings commence. The public must see the docket of the Klotsman matter as well, because he was ordered to pay restitution, so it cannot be that there is any legal reason why Sater was not ordered to pay restitution.

11. I am taking the liberty of serving copies of this motion upon the Senate Judiciary Committee as well as other members of the media and the public.

12. I reside in Texas and cannot appear in person for any hearing. I request that this motion be formally docketed, and noted that I waive my personal appearance. Under the case law mentioned above, any opponent of unsealing bears the burden of demonstrating the

reason documents should remain sealed. Given the importance of this matter – Loretta Lynch's potential confirmation or rejection as Attorney General may hang on it – I submit that the opponents of unsealing would have an impossible burden.

#### CONCLUSION

WHEREFORE, it is respectfully submitted that these dockets and all judicial documents in these matters involving Felix Sater, Loretta Lynch, and/or Gennady Klotsman must be immediately unsealed and made available to the public.

Dated: February 8th, 2015  
Austin, Texas

  
Brian Vodicka

To: U.S. Attorney Loretta Lynch, EDNY (via fax: 718.254.7508)  
Hon. I. Leo Glasser, USDC-EDNY (via fax: 718.613.2446)  
Hon. Jose Cabranes, U.S. Court of Appeals for the 2d Circuit (via fax: 212-857-8681)  
Hon. Lorna Schofield, USDC-SDNY (via email:  
[schofield\\_nysdchambers@nysd.uscourts.gov](mailto:schofield_nysdchambers@nysd.uscourts.gov))  
Richard E. Lerner, Esq. (via fax: 347.824.2006).  
Frederick M. Oberlander, Esq. (via fax: 212.202.7624)  
Walter Saurack, Esq. (via fax: 212.818.9606)  
Jason Berland, Esq. (via fax: 646.755.3599)  
Senate Judiciary Committee (Attn Chairman Charles Grassley, via fax: 202.224.6020)  
Washington Times (via email, attn editor John Solomon  
[jsolomon@washingtontimes.com](mailto:jsolomon@washingtontimes.com))  
New York Times (via email, attn Exec. Editor, National Desk and Benjamin Weiser  
[executive-editor@nytimes.com](mailto:executive-editor@nytimes.com) [national@nytimes.com](mailto:national@nytimes.com) [weiser@nytimes.com](mailto:weiser@nytimes.com))  
Wall Street Journal (via fax: 212-416-2653)  
Washington Post (via fax: 202-334-7502)  
Senator Ted Cruz (via fax: [press@cruz.senate.gov](mailto:press@cruz.senate.gov))

#### Declaration of Service

I, Brian Vodicka, declare under penalty of perjury that on February 8<sup>th</sup>, 2015, I served via the most expedient means available, via email, fax or by hand, the individuals and entities identified in the service list.

Dated: February 8<sup>th</sup>, 2015

Washington DC

  
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Brian Vodicka